

## ***The Star-Ledger Newark***

### **Survey: Legal system fails poor - Most don't know how to find a lawyer, or think they can't afford one**

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Each year, more than one-third of New Jersey's poor adults - more than 400,000 people - have at least one civil legal problem such as a dispute with a landlord, a divorce or bankruptcy. But fewer than one in six get help from a lawyer, according to a survey.

Many of these people don't seek a lawyer's help because they think they cannot afford it, think the problem is not important enough or think nothing can be done about the problem.

Complicating the situation is that many of these people don't know where to find a lawyer.

These findings are part of a survey, the first of its kind in almost 20 years to examine the experiences of the poor in the legal system, released today by the nonprofit Legal Services of New Jersey, an Edison corporation that coordinates the state's system of legal aid organizations.

The agency has a \$38.5 million annual budget that comes mainly from state appropriations and the interest from the trust accounts lawyers maintain for their clients' funds.

The findings should put the legal community on notice that more needs to be done because the problem is only going to get worse, said Melville Miller, president of Legal Services.

"The enormous legal assistance gap cannot be tolerated by a just society, by a society that asks people to be governed by the rule of law," said Miller. "A key part of that is the notion of equal justice and equal access to the court system. If, in fact, you don't have equal access then we don't have equal justice."

Among the other survey findings:

ough few of those surveyed were able to get legal help, about 71 percent believe the court system is a fair place to resolve disputes, and roughly 61 percent believe the courts and legal system help make society safe.

The most common type of legal problem had to do with housing. About 20 percent of people had problems such as poorly maintained rental property or disputes with a landlord or utility company. About 18 percent had consumer-related issues. Among the

claims participants cited included being denied credit and problems regarding taxes or bankruptcy.

People who are younger, employed, responsible for children or living in rental housing are more likely to experience at least one problem each year.

The survey relied on telephone interviews with 1,013 randomly selected English- and Spanish- speaking adults in all 21 counties between July and October of last year. Each of the participants lived in New Jersey for at least one year and earned an annual income below 200 percent of the federal poverty level. For a family of four, the limit for legal aid would be \$36,200.

People of limited financial means can find themselves in an unstable situation when faced with legal problems, said Jon Dubin, director of clinical programs at Rutgers University Law School in Newark.

"It is a very precarious existence if you are living on a low income and you barely have enough for anything else except for food or clothing, and then all of a sudden there is an additional demand on you based on some legal matter - that throws everything off. Now you are facing the prospects of homelessness, malnutrition and worse," said Dubin.

Caroline Grant, 74, wanted to get a lawyer to fight the traffic ticket she was given for running a stop sign after getting into an accident recently. But the Ocean County resident - who has a bad heart and supports her son and his kids on a \$404 monthly Social Security check - couldn't afford one.

"They wanted a lot of money that I just didn't have. So, I went to court by myself and told them the truth, but it didn't do me any good. I still had to pay the ticket . . . I just figure if you are rich you can afford a lawyer, if you are poor you take what you get," said Grant, a resident of the Mayetta section of Stafford Township.

Based on the current resources, the gap is unlikely to be closed anytime soon, the study found.

Attorneys working for Legal Services help about 50,000 people a year. And clinics at the state's three law schools and other nonprofit legal organizations help 10,000 more people a year. There are no reliable numbers to determine how many cases are handled by private attorneys for free, but those contributions are minor.

Around the country, the picture is similarly bleak, said William Hornsby, staff counsel in the American Bar Association's division for legal services. The ABA has conducted similar studies that support the New Jersey findings. The most recent ABA survey was released in 1994 which found about 20 percent of the nation's poor who need a lawyer's help can find one.

"The challenge is for the individual with their own case to find the lawyer who is most

appropriate," he said. "The challenge for the community for lawyers to have outreach in ways that are effective and reach those clients."

Elsewhere, groups of lawyers have come up with innovative ways to reach people in need of legal help. In Santa Monica, Calif., local attorneys opened a coffee house called Legal Grind, where for about \$20 a person can get a cup of coffee and a consultation with a lawyer. In the Baltimore area, the University of Maryland created the Civil Justice Network, a consortium of solo and small law firm lawyers who want to do public interest work. And in Iowa, one firm, Beckman & Hirsch in Burlington, offers an online program that leads visitors through a series of questions to create a will.

In New Jersey, outreach efforts are limited.

The Somerset County chapter of the American Civil Liberties Union holds a free legal clinic on the second Thursday of every month. About 10 people attend the meetings in the atrium of the county's administration building. Each person talks over their problem with a lawyer, said Alisa Mariani, vice chair of the chapter.

Organizers try to get the word out as best as they can but they realize the program doesn't fill the void, she said.

"We make it clear that the lawyers cannot take a case, they are just there to give them some initial direction about whether they have a good case," said Mariani.

Court officials include the phone numbers of the local Legal Services office and county lawyer referral system on every summons. They also created a packet of information available for free to help people navigate the court system without a lawyer. While court officials are concerned about the findings, their assistance can only go so far, said Winnie Comfort, a spokeswoman for the Administrative Office of the Courts.

"The court does what it can and it is important that the court remain a fair and neutral ground," she said.

Leaders of the New Jersey State Bar Association called the gap revealed by the survey "overwhelming" and said it provides hard facts the bar can examine to find more ways to help low-income residents get attorneys.

"Clearly, people don't know how to reach lawyers. Such services should be better publicized, they should be better promoted," said Harold Rubenstein, executive director of the bar association. "It's the beginning of looking to see how you meet those needs."